

**IN THE COURT OF APPEAL**  
**HOLDEN AT ABUJA**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF**  
**THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA**  
**HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN:**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND:**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**PETITIONERS' REPLY TO THE 3RD RESPONDENT'S REPLY**  
**TO THE PETITION**

**PART A**

**REPLY TO PRELIMINARY OBJECTION**

**In response to the 3<sup>rd</sup> Respondent's preliminary objection, the Petitioners state as follows:**

1. Contrary to the 3<sup>rd</sup> Respondent's contention in paragraphs 1, 2, 3, 4 and 5 of the Preliminary Objection, this Honourable Court is vested with the vires and jurisdiction to adjudicate on the Petitioners' allegations as raised vide Grounds (D) and (E) in paragraph 15 of the Petition, as well as the related facts contained in paragraphs 384 to 409 of the petition, as these grounds do not fall within the purview of pre-election matters contemplated by section 285 (9) and (14) of the **Constitution of the Federal Republic of Nigeria, 1999 (4<sup>th</sup> Alteration No 21) Act 2017.**

11. Grounds 15 (d) and (e) of the petition and indeed all the grounds of the Petition are covered by **Sections 35(1) and (2) and 138 (1)(e)** of the **Electoral Act, 2010 (as amended)** and are therefore cognizable in an election Petition.

111. The issue of the qualification of the 2<sup>nd</sup> Respondent to contest the presidential election under scrutiny, which is at the epicenter of the Petitioners' grounds (d) and (e) of paragraph 15 of the Petition is not only a pre-election matter but also a post-election matter within the relevant provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) as well as the Electoral Act, 2010 (as amended) and therefore competent and not statute-barred.

1v. The issue of non-qualification of the 2<sup>nd</sup> Respondent is fundamental and can therefore not be waived as erroneously alleged by the 3<sup>rd</sup> Respondent.

v. In reply to paragraph 6 of the Preliminary Objection, the Petitioners contend that the Petition discloses reasonable cause of action capable of conferring this Honourable Court with jurisdiction to entertain same.

vi. In answer to paragraph 7 of the Preliminary Objection, the Petitioners aver that the paragraphs of the Petition set out therein by the 3<sup>rd</sup> Respondent are not in any way generic, vague, un-referable (sic), non specific, nebulous, bogus, imprecise, speculative or at large. Indeed the said paragraphs of the Petition have stated clearly the facts of the election Petition, the grounds on which the Petition is based and the reliefs sought by the Petitioners in consonance with the dictates of paragraph 4(1)(d) of the First Schedule to the Electoral Act, 2010 (as amended).

VII In further answer to paragraph 7 of the Preliminary Objection, the Petitioners contend that assuming without conceding that the 3<sup>rd</sup>

Respondent is not clear as to the import of all or any of the paragraphs

alleged to be vague, the 3<sup>rd</sup> Respondent is obliged to seek further and better particulars from the Petitioners, which they have failed to do

and can therefore not be heard to complain of vagueness. More so, when they have replied to the paragraph in question and others they challenged.

v111. In answer to paragraphs 8, 9, 10, 11 and 12 of the Preliminary Objection, the Petitioners state that all the allegations of non compliance in the Petition have been tied to specific polling units, wards and local governments associated with the allegations.

1x. In further answer to paragraphs 8, 9, 10, 11 and 12 of the Preliminary Objection, the Petitioners contend that particulars of polling units where irregularities, non-compliance and other infractions took place were supplied in the Petition which ought to be read together and not in isolation as the 3<sup>rd</sup> Respondent has clearly done.

x. In answer to paragraphs 13, 14, and 15, of the Preliminary Objection alleging failure to join persons named in the paragraphs of the Petition listed by the 3<sup>rd</sup> Respondent, the Petitioners contend that the individuals, officers, institutions and personages named in those paragraphs acted for and on behalf of the 1<sup>st</sup> Respondent as agents, and/or on the authority of the 1<sup>st</sup> Respondent which is a named party in this Petition.

x1. In answer to paragraphs 16 and 17 of the Preliminary Objection, the Petitioners contend that to the extent that the listed paragraphs deal with the question of the qualification of the 2<sup>nd</sup> Respondent to contest the presidential election, these paragraphs cannot be pigeonholed within the narrow confine of section 31(5) and (6) of the Electoral Act, 2010 (as amended), since qualification is both a pre and post election matter.

xi1. In answer to paragraph 18 of the Preliminary Objection, the Petitioners contend that paragraph 15 (b) and (c) of the Grounds of the Petition as well as paragraphs 107 to 363 and 364 to 387 of the Petition are proper, valid, and in no way hypothetical in that the reliefs sought in the Petition are clearly tied to the paragraphs aforesaid and the entirety of the Petition taken together, such that this Honourable

Court has the jurisdiction to entertain the paragraphs and the grounds upon which they are based.

- xnI. In answer to paragraph 19 of the Preliminary Objection, the Petitioners contend that paragraphs 389 and 390 of the Petition are clear statements of facts tied to the provisions of the Electoral Act (supra), which in no way offend the rules of pleadings.
- XIV. In answer to paragraph 20 of the 3<sup>rd</sup> Respondent's Preliminary Objection alleging that the Petition was not signed by a known individual and/or entity, the Petitioners contend that the Petition was indeed signed by a Legal Practitioner duly called to the Nigerian Bar in 1982 and licensed to practice as a Legal Practitioner in Nigeria. He was Attorney General of Imo State (1994 - 1996) and was conferred with the rank of Senior Advocate of Nigeria in 1999.
- xv. The Petitioners also in response to paragraph 20 of the Preliminary Objection contend that the fact of the qualification of the Petitioners' Lead Counsel to sign the Petition is well-known to the 3<sup>rd</sup> Respondent's team of lawyers and that the allegation of his purported non-qualification is in bad taste, *malafide*, highly tendentious, irritating, mischievous and most undeserving of any serious attention by the Honourable Court.
- xvI. In further response to paragraph 20 of the Preliminary Objection, the Petitioners contend that the Petition having been duly signed by the Petitioners and their Legal Practitioner who is enrolled in the Supreme Court of Nigeria is competent. The said Legal Practitioner is also a Senior Advocate of Nigeria whose nomenclature or identity is not in doubt.
- xvii. In response to Paragraph 21 of the 3<sup>rd</sup> Respondent's Preliminary Objection, the Petitioners contend that the Petition before this Honourable Court is properly constituted having regard to the Parties, the grounds therein, the reliefs sought and the facts pleaded and same is therefore competent and not liable to being struck out.

xviii. The Petitioners state that the entirety of the 3<sup>rd</sup> Respondent's Objection is puerile, face saving, vexatious, absolutely and completely unfounded.

## **PART B**

### **REPLY TO THE 3RD RESPONDENT'S REPLY**

**TAKE NOTICE** that the Petitioners shall take objection to paragraphs 1, 2, 3, 4, 5 and 6 of the 3<sup>rd</sup> Respondent's Reply on the grounds stated hereunder:

1. The said paragraphs being a challenge to the 1<sup>st</sup> Petitioner's qualification under Section 131 (a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and relating to an Election Petition matter ought to have been brought within 21 days after the date of declaration of the result of the election under Section 285 (5) of the 1999 Constitution (as amended) and having not been so brought timeously is therefore, incompetent and statute barred.
2. The averments in the said paragraphs touching on qualification of the 1<sup>st</sup> Petitioner cannot be raised vide a Reply to a Petition in the absence of a Petition by the 3<sup>rd</sup> Respondent.
3. The averments in the said paragraphs not having been supported by any relief in the 3<sup>rd</sup> Respondent's Reply are hypothetical, academic, speculative and incompetent.
4. The Petitioners will also contend that the 3<sup>rd</sup> Respondent's Reply under reference is incompetent in so far as the Counsel who signed same has no National Identity Number shown or reflected on the Reply contrary to the provisions of the Mandatory Use of National Identification Number, Regulations, 2017, made pursuant to the National Identity Management Commission Act, 2007.

**In the unlikely event that the foregoing objections are not sustained, the Petitioners plead as follows by way of reply:**

5. Contrary to the allegations contained in paragraphs 1, 2, 3, 4, 5 and 6 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners state that the 1<sup>st</sup> Petitioner is a citizen of Nigeria **by Birth** and thus qualified to vote and be voted for and returned in the election to the office of the President of the Federal Republic of

Nigeria, held on Saturday 23<sup>rd</sup> February, 2019 going by the relevant provisions of the 1999 Constitution (as amended).

6. In further response to paragraphs 1, 2, 3, 4, 5, 6 and 8 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners state as follows:

- i. The 1<sup>st</sup> Petitioner was born on 25<sup>th</sup> November, 1946 in Jada, Adamawa State by Nigerian Parents and he is therefore a citizen of Nigeria by Birth.
- ii. The 1<sup>st</sup> Petitioner's father, Garba Atiku Abdulkadir was a Nigerian by Birth who hailed from Wu.mo in present day Sokoto State while the mother, Aisha Kande was also a Nigerian who hailed from Dutse in present day Jigawa State.
- iii. The parents of the 1<sup>st</sup> Petitioner are both Fulani, a community/tribe indigenous to Nigeria.
- iv. The birth of the 1<sup>st</sup> Petitioner in Jada, in present day Adamawa State of Nigeria was occasioned by the movement of his paternal grandfather called Atiku who was an itinerant trader, from Wu.mo in present day Sokoto State to Jada in the company of his friend, Ardo Usman.
- v. That in Jada, Atiku, the grandfather of the 1<sup>st</sup> Petitioner gave birth to Garba who in turn gave birth to the 1<sup>st</sup> Petitioner and named him after his own father Atiku.
- vi. The 1<sup>st</sup> Petitioner's mother, Aisha Kande was the grand-daughter of Inuwa Dutse who came to Jada as an itinerant trader too from Dutse in present day Jigawa State.
- vii. That all averments concerning Germany, British Cameroons, League of Nations and Plebiscite are false and misleading in relation to the 1<sup>st</sup> Petitioner and therefore completely irrelevant more so that the 1<sup>st</sup> Petitioner is a Nigerian by birth within the contemplation of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- viii. The averments in the aforesaid paragraphs are indeed fabricated, contrived, made in bad faith and designed to embarrass the 1<sup>st</sup> Petitioner.

7. In response to paragraph 7 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners aver that the votes of the 1<sup>st</sup> Petitioner in the Election of 23<sup>rd</sup> February, 2019

to the office of the President are not wasted votes, and the 1<sup>st</sup> Petitioner being a qualified candidate in the said Election indeed secured majority of lawful votes over and above the votes of the 2<sup>nd</sup> Respondent.

8. In further reaction to Paragraph 7 of the 3<sup>rd</sup> Respondent Reply, the Petitioners hereby plead and contend that at all times material the 1<sup>st</sup> Petitioner has been a Nigerian by birth and has participated in the following career and political activities and has also received the following awards and honours:

(a) the 1<sup>st</sup> Petitioner was a civil servant in the Nigerian Customs Service for over 20 years and retired as a Deputy Director.

(b) the 1<sup>st</sup> Petitioner has been a Nigerian politician for about 30 years and in 1992 he contested in the Presidential Primaries under the platform of then Social Democratic Party (SDP) alongside the late Chief M.K.O Abiola and Ambassador Baba Gana Kingibe.

(c) the 1<sup>st</sup> Petitioner contested for and won the 1999 Gubernatorial election in Adamawa State under the platform of the 2<sup>nd</sup> Petitioner.

(d) the Former President Olusegun Obasanjo GCFR and the 1<sup>st</sup> Petitioner contested for and won the 1999 and 2003 Presidential Elections, respectively as President and Vice President of the Federal Republic of Nigeria under the platform of Peoples Democratic Party (PDP), the 2<sup>nd</sup> Petitioner.

(e) the 1<sup>st</sup> Petitioner is the recipient of the National Honour of Grand Commander of the Order of the Niger (GCON).

(f) the 1<sup>st</sup> Petitioner was the traditional title holder of Turakin Adamawa from 1982 to 2017 when he was elevated to Wazirin Adamawa.

(g) In 2007, the 1<sup>st</sup> Petitioner contested Presidential election under the platform of Action Congress (AC) and the 2<sup>nd</sup> Respondent contested under the platform of the All Nigeria Peoples' Party (ANPP).

(h) In 2014, the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested the Presidential Primaries of the All Progressives Congress (APC), the 3<sup>rd</sup> Respondent for the 2015 Presidential Elections.

9. In reaction to paragraph 10 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners contend that there was no admission of conspiracy and criminality by the



Petitioners and reference to admission of conspiracy and criminality is false and unfounded.

10. In further response to paragraph 10 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners contend that the Election of 23<sup>rd</sup> February 2019 by which the 2<sup>nd</sup> Respondent was unduly returned was not applauded by observers or members of rival political parties. As a matter of fact, Election Observers/Monitors noted grave irregularities and manifest flaws in the electoral process and/or conduct of the Presidential election such as arbitrary arrests of the Petitioners' supporters, denial of access to Observers in many polling areas, falsification of results and vote buying by the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents. The relevant reports of the Observers/Monitors are hereby pleaded.
11. Contrary to the averments in paragraphs 16 and 17 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners contend that the Grounds of the Petition in paragraph 15 (a), (b), (c), (d) and (e) of the Petition are valid and do not constitute an abuse of court process.
12. Contrary to paragraph 23 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners contend that the return of the 2<sup>nd</sup> Respondent was unduly made.
13. In reaction to paragraph 29 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners aver that the data and scores in the 1<sup>st</sup> Respondent's Server were as transmitted by the 1<sup>st</sup> Respondent's officials and those scores are valid, and legitimate. The conduct of Elections and declarations of results by the 1<sup>st</sup> Respondent is the subject of the present Petition.
14. Contrary to paragraphs 31 and 34 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners contend that the figures and scores in paragraph 22 of the Petition are neither false nor contrived or concocted by the Petitioners. Indeed, the ad-hoc staff and officials of the 1<sup>st</sup> Respondent in obedience to the training/instruction by the 1<sup>st</sup> Respondent transmitted the scores they got from the Polling Units to the 1<sup>st</sup> Respondent's Server.
15. In further response to paragraphs 31, 34, 36, 37, 39 and 40 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners aver that the 3<sup>rd</sup> Respondent through its spokesperson, namely; Mr. Festus Keyamo, SAN, falsely accused the Petitioners by a written Petition to the Inspector-General of Police and the Director General, State Security Services of breaking or hacking into the 1<sup>st</sup> Respondent's Server to obtain the said scores and votes from the 1<sup>st</sup> Respondent's Server. The 1<sup>st</sup> Respondent's Server carries the under listed unique description INEC\_PRES\_RSLT\_SRV2019 whose Physical Address

or unique Mac Address is 94-57-A5-DC-64-B9 with Microsoft Product ID 00252-70000-00000-AA535. The Petitioners shall rely on the said written Petition and Newspaper publications of same at the trial.

16. In response to paragraph 87 of 3<sup>rd</sup> Respondent's Reply, the Petitioners aver as follows:
  - a. The Presidential election conducted on 23<sup>rd</sup> day of February, 2019 was done simultaneously with the National Assembly election whereby accreditation for both election was conducted jointly. Given the joint and inseparable accreditation in the conduct of both the Presidential and National Assembly election, whatever affected one must necessarily affect the other.
  - b. Contrary to the posturing of the 3<sup>rd</sup> Respondent at paragraph 87 of its Reply, collection of Permanent Voters' Cards was never a determinant for declaring an election inconclusive especially where the margin of victory is lower than the number of affected registered voters in places election did not take place and/or cancelled.
  - c. The 1<sup>st</sup> Respondent never made any distinction between the number of voters that turned out and voted in both the Presidential and National Assembly Election that took place on 23<sup>rd</sup> day of February, 2019.
17. In response to paragraph 90 (d) of the 3<sup>rd</sup> Respondent's Reply, the Petitioners dispute the allegation of the 3<sup>rd</sup> Respondent that the "2,906,384 cancelled votes and 2,698,773 voters who did not vote" is a duplication.
18. In response to paragraphs 92 and 93 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners aver that the figure of 3,928,869 given as the margin of votes between the Petitioners and the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents emanated from the challenged return and wrongful declaration of the 1<sup>st</sup> Respondent. Therefore, the figure cannot be used to justify the assertion or averment in paragraph 92 of the 3<sup>rd</sup> Respondent's Reply.
19. In reply to paragraphs 105 and 106 of 3<sup>rd</sup> Respondent's Reply, the Petitioners aver that Bomo State was still under siege by Boko Haram insurgency as at 23<sup>rd</sup> day of February, 2019 and it is preposterous for the 3<sup>rd</sup> Respondent to claim that election was held peacefully in all the polling units in Bomo State. In fact, on the day of election, to wit: 23<sup>rd</sup> February, 2019, there were multiple bomb blasts in Maiduguri, Bomo State resulting in fear in the minds of otherwise willing voters. The Petitioners shall rely on print and electronic media reports.

20. In reply to paragraphs 113 and 114 of 3<sup>rd</sup> Respondent's Reply, the Petitioners state categorically that Yobe State was still under siege by Boko Haram insurgency as at 23<sup>rd</sup> February, 2019 such that the Governor of the state was unable to vote on the day of the election. Consequent upon the security challenge in Yobe State at the time of the election and even now, the President of the Court of Appeal had to relocate the Election Tribunals for Yobe State to Abuja where they are now sitting. Invariably, the claim of the 3<sup>rd</sup> Respondent that election held peacefully in all the polling units in Yobe State on the day of election is a complete fabrication. The Petitioners shall rely on print and electronic media reports.

21. In response to paragraphs 493, 497, 498, 499, 500 and 501 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners aver as follows:

- a. The claim of the 3<sup>rd</sup> Respondent that the 2<sup>nd</sup> Respondent is/was eminently qualified to contest the election to the office of the President of the Federal Republic of Nigeria is spurious and devoid of substance as the 2<sup>nd</sup> Respondent never submitted any Certificates to the 1<sup>st</sup> Respondent regarding his educational qualification.
- b. Having not submitted any Certificates to the 1<sup>st</sup> Respondent regarding his educational qualification, the 2<sup>nd</sup> Respondent did not and could not have complied with the requirement of the law regarding qualification for election to the office of the President.
- c. The question of the 1<sup>st</sup> Respondent being satisfied with the information and materials submitted to it by the 2<sup>nd</sup> Respondent with respect to the qualification of the latter did not arise because the 2<sup>nd</sup> Respondent did not submit any Certificates.
- d. The claim of the 3<sup>rd</sup> Respondent at paragraph 498 of its Reply that the declaration sworn to by the 2<sup>nd</sup> Respondent before Commissioner for Oaths at the Federal Capital Territory High Court Registry on 8<sup>th</sup> October, 2018 as being distinct and separate from the general form of affidavit explaining the whereabouts/location of 2<sup>nd</sup> Respondent's academic qualification documents is utterly ridiculous especially as both documents were submitted to the 1<sup>st</sup> Respondent by the 2<sup>nd</sup> Respondent simultaneously and without factual backup by any known Certificate of qualification of the 2<sup>nd</sup> Respondent. The Petitioners plead and shall rely on the Certified True Copy of Vanguard Newspapers of

Wednesday, January 21, 2015 as well as Vanguard Newspapers of Thursday, November 1, 2018 at the trial.

- e. The issue of qualification of the 2<sup>nd</sup> Respondent to contest election to the office of President of the Federal Republic of Nigeria is a mandatory statutory and/or Constitutional requirement that cannot be waived by the Petitioners as erroneously averred in paragraph 499 (d) of the 3<sup>rd</sup> Respondent's Reply.

22. In further response to paragraphs 493, 497, 498, 499, 500 and 501 of the 3<sup>rd</sup> Respondent's Reply, the Petitioners challenge the 3<sup>rd</sup> Respondent to produce the originals or Certified True Copies of the 2<sup>nd</sup> Respondent's purported Certificates obtained from Elementary School, Daura and Mai'adua, Middle School Katsina and Katsina Provincial Secondary School and all other Institutions pleaded in paragraphs 500 and 501 of 3<sup>rd</sup> Respondent's Reply.

23. **WHEREFORE** the Petitioners aver:

1. That the Petition is competent and meritorious and the return of the 2<sup>nd</sup> Respondent by the 1<sup>st</sup> Respondent is undue and wrongful.
11. The 3<sup>rd</sup> Respondent's Reply does not answer the points of substance in the Petition but same is full of extraneous facts, contradictory, diversionary, evasive, speculative and vague assertions.

DATED THIS 18TH DAY OF APRIL, 2019



**Dr. Livy Uzoukwu, SAN, ✓**

**Kabiru T. Turaki, SAN,**

**Chief Chris Uche, SAN**

**Pius A. Akubo, SAN,**

**Chief ;Bolaji Ayorinde, SAN**

**Adebayo O. Adelodun, SAN,**

**Saka Abimola Isau, SAN,**

**Isiyaku Ibrahim, SAN,**

**Paul Erokoro, SAN,**

K.C.O. Njemanze, SAN,  
Eyitayo Jegede, SAN,  
Sebastine T. Hon, SAN,  
Dr. Mike Ozekhome,  
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Chukwuma-MachukwuUme, SAN,  
Prof. Maxwell Gidado, SAN,  
Dr. Akinpelu Onigbinde, SAN,  
Emeka Etiaba, SAN,  
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Peter Afuba Esq.  
Prof. Yusuf Dankofa, Prof.  
Lanre Adejojo, Ahmed  
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Abdulaziz Ibrahim Esq.,  
Chike Okafor Esq.  
Shikammah K. Sheltu Esq.,  
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Tel: +234-8033122202

2nd Respondent:

*Clo* APC National Secretariat,  
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Off Adetokunbo Ademola Crescent,  
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3rd Respondent:

*Clo* Its Solicitors,  
Lateef O. Fagbemi & Co.  
4<sup>th</sup> Floor, Rivers House,  
Plot 83, Ralph Shodeinde Street,  
Central Business District,  
Abuja.

**IN THE COURT OF APPEAL**  
**HOLDEN AT ABUJA**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE**  
**PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA**  
**HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN:**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

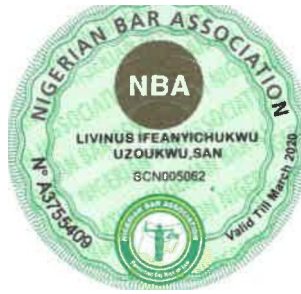
**AND:**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**PETITIONERS' ADDITIONAL LIST OF**  
**DOCUMENTS IN REPLY TO THE**  
**3RD RESPONDENT'S REPLY TO THE PETITION**

1. The 1<sup>st</sup> Respondent's Training Manual on Elections Technologies (Use, Support and Maintenance) 2019.
2. Print-out of votes of candidates from the smart card reader machines.
3. Print out of the forensic audit Report from the 1<sup>st</sup> Respondent's Presidential Result's Server 1 and thereafter aggregated in INEC\_PRES\_RSLT\_SRV2019 whose Physical Address or unique Mac Address is 94-57-AS-DC-64-B9 with Microsoft Product ID 00252-70000-00000-AA535.
4. List of Petitioners' Party Agents
5. Petitioners' Letters submitting the List of Agents to the 1<sup>st</sup> Respondent.
6. Any Other document relevant to the hearing of this Petition.

DATED THIS 18<sup>th</sup> DAY OF APRIL, 2019



**Dr. Livy Uzoukwu, SAN, ✓**

Kabiru T. Turaki, SAN,  
Chief Chris Uche, SAN  
Pius A. Akubo, SAN,  
Chief Bolaji Ayorinde, SAN  
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Saka Abimola Isau, SAN,  
Isiyaku Ibrahim, SAN,  
Paul Erokoro, SAN,  
K.C.O. Njemanze, SAN,  
Eyitayo Jegede, SAN,  
Sebastine T. Hon, SAN,  
Dr. Mike Ozekhome,  
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Dr. Mrs. V.J.O. Azinge, SAN,  
Emeka Okpoko, SAN,  
Olalekan Ojo, SAN,  
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**Esq. Silas Joseph Ono Esq.,**  
**Dr. Jennifer Abubakar**  
**Jude Daniel Odi Esq.,**  
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2nd Respondent:

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3rd Respondent:

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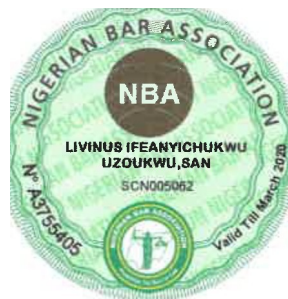
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3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS

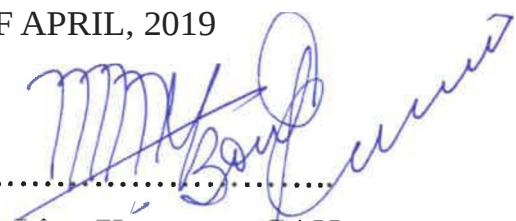
PETITIONERS' ADDITIONAL LIST OF WITNESSES  
IN REPLY TO THE  
3RD RESPONDENT'S REPLY TO THE PETITION

1. Osita Chidoka.
2. AB.
3. AW.
4. ABM.
5. MS.
6. YU.
7. MM.
8. AL.
9. BU.
- 10.MBB.
- 11.MB.

- 12.UG.
- 13.IM.
- 14.MKB.
- 15.MGSS
- 16.Witnesses to be subpoenaed.
- 17.Expert witnesses.
- 18.All other witnesses relevant to the hearing of this Petition.

DATED THIS 18TH DAY OF APRIL, 2019



.....  
  
**Dr. Uzoukwu, SAN, ✓**

**Kabiru T. Turaki, SAN,  
Chief Chris Uche, SAN  
Pius A. Akubo, SAN,  
Chief Bolaji Ayorinde, SAN  
Adebayo O. Adelodun, SAN,  
Saka Abimola Isau, SAN,  
Isiyaku Ibrahim, SAN,  
Paul Erokoro, SAN,  
K.C.O. Njemanze, SAN,  
Eyitayo Jegede, SAN,  
Sebastine T. Hon, SAN,  
Dr. Mike Ozekhome, SAN,  
Chukwuma-Machukwu Ume, SAN,  
Prof. Maxwell Gidado, SAN,  
Dr. Akinpelu Onigbinde, SAN,  
Emeka Etiaba, SAN,  
Chief Gordy Uche, SAN,**

**Dr. Mrs. V.J.O. Azinge, SAN,  
Emeka Okpoko, SAN,  
Olalekan Ojo, SAN,  
Ebenezer Obeya Esq.  
Emmanuel Enoidem Esq.  
Peter Afuba Esq.  
Prof. Yusuf Dankofa,  
Prof. Lanre Adejo,  
Ahmed Tijjani Uwais Esq.  
Alexander Ejiesime Esq,  
Abdulaziz Ibrahim Esq.,  
Chike Okafor Esq.  
Shikammah K. Shelto Esq.,  
Jabiro Bashir Mohammed  
Esq. Silas Joseph Ono Esq.,  
Dr. Jennifer Abobakar  
Jude Daniel Odi Esq.,  
Mohammed Malabo Esq.,**

PETITIONERS' COUNSEL,  
*Clo* No. 37A T.Y. Danjuma Street,  
Asokoro,  
ABUJA.

[Legal.winner2019@gmail.com](mailto:Legal.winner2019@gmail.com)

[uchesan@nigerianbar.ng](mailto:uchesan@nigerianbar.ng)

N.I.N. of Signatory - 13063727966

Tel: +234-815-779-2036.

FOR SERVICE ON:

1st Respondent:

*Clo* Its Solicitors,  
Ikpeazu Chambers,  
Plot 10, Block IX,  
David Dodo Street,  
Gwarinpa,  
FCT, Abuja.  
Tel: +234-8033122202

2nd Respondent:

*Clo* APC National Secretariat,  
40 Blantyre Street,  
Off Adetokunbo Ademola Crescent,  
Wuse 11,  
Abuja.

3rd Respondent:

*Clo* Its Solicitors,  
Lateef O. Fagbemi & Co.  
4<sup>th</sup> Floor, Rivers House,  
Plot 83, Ralph Shodeinde Street,  
Central Business District,  
Abuja.

**IN THE COURT OF APPEAL**  
**HOLDEN AT ABUJA**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE**  
**PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON**  
**THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN:**

**1 ATIKU ABUBAKAR**

**2 PEOPLES DEMOCRATIC PARTY (PDP) - -**

**-PETITIONERS AND**

**1.INDEPENDENT NATIONAL ELECTORAL  
COMMISSION (INEC)**

**2. MUHAMMADU BUHARI**

**3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT OF OSITA CHIDOKA**  
**IN SUPPORT OF PETITIONERS' REPLY TO THE 3RD**  
**RESPONDENT'S REPLY**

I, OSITA CHIDOKA, Nigerian Citizen, Christian and Businessman/Consultant of Wadata House, 1970 Michael Okpara Street, Wuse Zone 5, Abuja, do hereby make Oath and state as follows:

1. I was the National Collation Agent for the Petitioners in respect of the Presidential Election that held on 23<sup>rd</sup> February, 2019 and I have the consent and authority of the Petitioners to depose to this witness statement on oath and I do so on their behalf.
2. That I have seen and read the 3<sup>rd</sup> Respondent's Reply to the Petition.
3. That from the interactive session with the legal team of the Petitioners on the 1<sup>st</sup> day of April, 2019 at about 3pm at No. 34 Kumasi Crescent, Wuse 2,



Abuja in relation to 1<sup>st</sup> Respondent's Reply and from what I know personally, I wish to state as follows:

4. The issue of non-qualification of the 2<sup>nd</sup> Respondent is fundamental and can therefore not be waived as erroneously alleged by the 3<sup>rd</sup> Respondent.
5. The Petition discloses reasonable cause of action.
6. The averments in the Petition are not in any way genenc, vague, un referable (sic), non-specific, nebulous, bogus, imprecise, speculative or at large having stated clearly the facts of the election Petition, the grounds on which the Petition is based and the reliefs sought by the Petitioners in consonance with the dictates of paragraph 4(1)(d) of the First Schedule to the Electoral Act, 2010 (as amended).
7. The 3<sup>rd</sup> Respondent has not sought further and better particulars of any averments in the Petition.
8. All the allegations of non-compliance in the Petition have been tied to specific polling units, wards and local governments associated with the allegations.
9. The particulars of polling units where irregularities, non-compliance and other infractions took place were supplied in the Petition.
10. The individuals, officers, institutions and personages named in those paragraphs acted for and on behalf of the 1<sup>st</sup> Respondent as agents, and/or on the authority of the 1<sup>st</sup> Respondent which is a named party in this Petition.
11. I have taken time to study the Petition and I believe that all the averments in the Petition are valid, proper and in no way hypothetical in that the reliefs sought in the Petition are clearly tied to the paragraphs aforesaid and the entirety of the Petition taken together.
12. From my study of the Petition, I also believe that all the averments therein are clear statements of facts.
13. I am aware that the Petition was signed by a Legal Practitioner duly called to the Nigerian Bar in 1982 and licensed to practice as a Legal Practitioner in Nigeria. He was Attorney General of Imo State (1994-1996) and was conferred with the rank of Senior Advocate of Nigeria in 1999.

14. I know that the qualification of the Petitioners' Lead Counsel to sign the Petition is well-known to the 3<sup>rd</sup> Respondent's team of lawyers and that the allegation of his purported non-qualification is in bad taste, *malafide*, highly tendentious, irritating, mischievous and most undeserving of any serious attention by the Honourable Court.
15. The Petition having been duly signed by the Petitioners and their Legal Practitioner who is enrolled in the Supreme Court of Nigeria is competent. The said Legal Practitioner is also a Senior Advocate of Nigeria whose nomenclature or identity is not in doubt.
16. The Petition before this Honourable Court is properly constituted having regard to the Parties, the grounds therein, the reliefs sought and the facts pleaded and same is therefore competent and not liable to being struck out.
17. The Counsel who signed the 3<sup>rd</sup> Respondent's Reply has no National Identity Number shown or reflected on the Reply.
18. The 1<sup>st</sup> Petitioner is a citizen of Nigeria **by Birth** and thus qualified to vote and be voted for and returned in the election to the office of the President of the Federal Republic of Nigeria, held on Saturday 23<sup>rd</sup> February, 2019 going by the relevant provisions of the 1999 Constitution (as amended).
19. I am also aware of the following facts concerning the 1st Petitioner, namely:
  - (a) The 1<sup>st</sup> Petitioner was born on 25<sup>th</sup> November, 1946 in Jada, Adamawa State by Nigerian Parents and he is therefore a citizen of Nigeria by Birth.
  - (b) The 1<sup>st</sup> Petitioner's father, Garba Atiku Abdulkadir was a Nigerian by Birth who hailed from Wumo in: present day Sokoto State while the mother, Aisha Kande was also a Nigerian who hailed from Dutse in present day Jigawa State.
  - (c) The parents of the 1<sup>st</sup> Petitioner are both Fulani, a community/tribe indigenous to Nigeria.
  - (d) The birth of the 1<sup>st</sup> Petitioner in Jada, in present day Adamawa State of Nigeria was occasioned by the movement of his paternal grandfather called Atiku who was an itinerant trader, from Wumo in present day Sokoto State to Jada in the company of his friend, Ardo Usman.

- (e) That in Jada, Atiku, the grandfather of the 1<sup>st</sup> Petitioner gave birth to Garba who in turn gave birth to the 1<sup>st</sup> Petitioner and named him after his own father Atiku.
  - (f) The 1<sup>st</sup> Petitioner's mother, Aisha Kande was the grand-daughter of Inuwa Dutse who came to Jada as an itinerant trader too from Dutse in present day Jigawa State.
  - (g) The allegations concerning Germany, British Cameroons, League of Nations and Plebiscite are false and misleading in relation to the 1<sup>st</sup> Petitioner and therefore completely irrelevant more so that the 1<sup>st</sup> Petitioner is a Nigerian by birth within the contemplation of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
20. The votes of the 1<sup>st</sup> Petitioner in the Election of 23<sup>rd</sup> February, 2019 to the office of the President are not wasted votes, and the 1<sup>st</sup> Petitioner being a qualified candidate in the said Election indeed secured majority of lawful votes over and above the votes of the 2<sup>nd</sup> Respondent.
21. I am aware that at all times material the 1<sup>st</sup> Petitioner has been a Nigerian by birth and has participated in the following career and political activities and has also received the following awards and honours:
- (a) the 1<sup>st</sup> Petitioner was a civil servant in the Nigerian Customs Service for over 20 years and retired as a Deputy Director.
  - (b) the 1<sup>st</sup> Petitioner has been a Nigerian politician for about 30 years and in 1992 he contested in the Presidential Primaries under the platform of then Social Democratic Party (SOP) alongside the late Chief M.K.O Abiola and Ambassador Baba Gana Kingibe.
  - (c) the 1<sup>st</sup> Petitioner contested for and won the 1999 Gubernatorial election in Adamawa State under the platform of the 2<sup>nd</sup> Petitioner.
  - (d) the Former President Olusegun Obasanjo GCFR and the 1<sup>st</sup> Petitioner contested for and won the 1999 and 2003 Presidential Elections, respectively as President and Vice President of the Federal Republic of Nigeria under the platform of Peoples Democratic Party (**PDP**), the 2<sup>nd</sup> Petitioner.
  - (e) the 1<sup>st</sup> Petitioner is the recipient of the National Honour of Grand Commander of the Order of the Niger (GCON).

- (f) the 1<sup>st</sup> Petitioner was the traditional title holder of Turakin Adamawa from 1982 to 2017 when he was elevated to Wazirin Adamawa.
- (g) In 2007, the 1<sup>st</sup> Petitioner contested Presidential election under the platform of Action Congress (AC) and the 2<sup>nd</sup> Respondent contested under the platform of the All Nigeria Peoples' Party (ANPP).
- (h) In 2014, the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested the Presidential Primaries of the All Progressives Congress (APC), the 3<sup>rd</sup> Respondent for the 2015 Presidential Elections.
22. There was no admission of conspiracy and criminality by the Petitioners and reference to admission of conspiracy and criminality is false and unfounded.
23. The Election of 23<sup>rd</sup> February 2019 by which the 2<sup>nd</sup> Respondent was unduly returned was not applauded by observers or members of rival political parties. As a matter of fact, Election Observers/Monitors noted grave irregularities and manifest flaws in the electoral process and/or conduct of the Presidential election such as arbitrary arrests of the Petitioners' supporters, denial of access to Observers in many polling areas, falsification of results and vote buying by the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents. The Petitioners have relevant reports of the Observers/Monitors.
24. All the Grounds of the Petition are valid and do not constitute an abuse of court process.
25. I know that the 2<sup>nd</sup> Respondent was unduly returned as elected.
26. The data and scores in the 1<sup>st</sup> Respondent's Server were as transmitted by the 1<sup>st</sup> Respondent's officials and those scores are valid, and legitimate. The conduct of Elections and declarations of results by the 1<sup>st</sup> Respondent is the subject of the present Petition.
27. The figures and scores in paragraph 22 of the Petition are neither false nor contrived or concocted by the Petitioners. Indeed, the ad-hoc staff and officials of the 1<sup>st</sup> Respondent in obedience to the training/instruction by the 1<sup>st</sup> Respondent transmitted the scores they got from the Polling Units to the 1<sup>st</sup> Respondent's Server.
28. The 3<sup>rd</sup> Respondent through its spokesperson, namely; Mr. Festus Keyamo, SAN, falsely accused the Petitioners by a written Petition to the Inspector

General of Police and the Director General, State Security Services of breaking or hacking into the 1<sup>st</sup> Respondent's Server to obtain the said


scores and votes from the 1<sup>st</sup> Respondent's Server. The 1<sup>st</sup> Respondent's Server came under the listed unique description INEC\_PRES\_RSLT\_SRV2019 whose Physical Address or unique Mac Address is 94-57-A5-DC-64-B9 with Microsoft Product ID 00252-70000-00000-AA535. The Petitioners have the Newspaper publications of the written Petition.

29. The Presidential election conducted on 23<sup>rd</sup> day of February, 2019 was done simultaneously with the National Assembly election whereby accreditation for both election was conducted jointly. Given the joint and inseparable accreditation in the conduct of both the Presidential and National Assembly election, whatever affected one must necessarily affect the other.
30. The collection of Permanent Voters' Cards was never a determinant for declaring an election inconclusive especially where the margin of victory is lower than the number of affected registered voters in places election did not take place and/or cancelled.
31. The 1<sup>st</sup> Respondent has never made any distinction between the number of voters that turned out and voted in both the Presidential and National Assembly Election that took place on 23<sup>rd</sup> day of February, 2019.
32. It is not true that the "2,906,384 cancelled votes and 2,698,773 voters who did not vote" is a duplication.
33. The figure of 3,928,869 given as the margin of votes between the Petitioners and the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents emanated from the challenged return and wrongful declaration of the 1<sup>st</sup> Respondent. Therefore, the figure cannot be used to justify the assertion or averment of the 3<sup>rd</sup> Respondent in that regard.
34. It is public knowledge that Borno State was still under siege by Boko Haram insurgency as at 23<sup>rd</sup> day of February, 2019 and it is preposterous for the 3<sup>rd</sup> Respondent to claim that election was held peacefully in all the polling units in Borno State. In fact, on the day of election, to wit: 23<sup>rd</sup> February, 2019, there were multiple bomb blasts in Maiduguri, Borno State resulting in fear in the minds of otherwise willing voters. The Petitioners have print and electronic media reports of the bomb blasts.
35. Yobe State was still under siege by Boko Haram insurgency as at 23<sup>rd</sup> February, 2019 such that the Governor of the state was unable to vote on the day of the election. Consequent upon the security challenge in Yobe State at the time of the election and even now, the President of the Court of Appeal

had to relocate the Election Tribunals for Yohe State to Abuja where they are now sitting. Invariably, the claim of the 3<sup>rd</sup> Respondent that election held peacefully in all the polling units in Yohe State on the day of election is a complete fabrication. The Petitioners have print and electronic media reports of the situation in Yohe State at the time of the election.

36. It is not true that the 2<sup>nd</sup> Respondent is/was eminently qualified to contest the election to the office of the President of the Federal Republic of Nigeria. The 2<sup>nd</sup> Respondent never submitted any Certificates to the 1<sup>st</sup> Respondent regarding his educational qualification.
37. Having not submitted any evidence of his qualification to the 1<sup>st</sup> Respondent regarding his educational qualification, the 2<sup>nd</sup> Respondent did not and could not have complied with the requirement of the law regarding qualification for election to the office of the President.
38. The question of the 1<sup>st</sup> Respondent being satisfied with the information and materials submitted to it by the 2<sup>nd</sup> Respondent with respect to the qualification of the latter did not arise because the 2<sup>nd</sup> Respondent did not submit any evidence of his qualification he falsely claimed.
39. It is not true as claimed by the 3<sup>rd</sup> Respondent that the declaration sworn to by the 2<sup>nd</sup> Respondent before Commissioner for Oaths at the Federal Capital Territory High Court Registry on 8<sup>th</sup> October, 2018 is distinct and separate from the general form of affidavit. The explanation of the whereabouts/location of 2<sup>nd</sup> Respondent's academic qualification documents is utterly ridiculous especially as both documents were submitted to the 1<sup>st</sup> Respondent by the 2<sup>nd</sup> Respondent simultaneously and without factual backup by any known Certificate of qualification of the 2<sup>nd</sup> Respondent. The Petitioners have the Certified True Copy of Vanguard Newspapers of Wednesday, January 21, 2015 as well as Vanguard Newspapers of Thursday, November 1, 2018.
40. The issue of qualification of the 2<sup>nd</sup> Respondent to contest election to the office of President of the Federal Republic of Nigeria cannot be waived.
41. I know that the 3<sup>rd</sup> Respondent cannot produce the originals or Certified True Copies of the 2<sup>nd</sup> Respondent's purported Certificates obtained from Elementary School, Daura and Mai'adua, Middle School Katsina and Katsina Provincial Secondary School because they do not exist.

42. That I make this Witness Statement on Oath, solemnly and conscientiously, believing the same to be true and in accordance with the Oaths Act.



.....  
DEPONENT

Sworn to at  
The Court of Appeal Registry,  
Abuja.  
This.....day of April, 2019

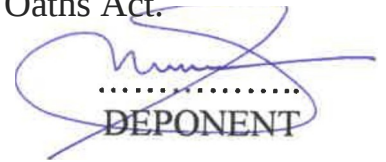
**BEFORE ME**

**SECRETARY/COMMISSIONER FOR OATHS**



42. That I make this Witness Statement on Oath, solemnly and conscientiously, believing the same to be true and in accordance with the Oaths Act.

-----...

  
.....  
DEPONENT

Sworn to at  
The Court of Appeal Registry,  
Abuja.  
This.....day of April, 2019

**BEFORE ME**

**SECRETARY/COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL**  
**HOLDEN AT ABUJA**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE**  
**PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA**  
**HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN:**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND:**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF MKB**

I, **MKB**, Nigerian Citizen, Muslim, Retired Customs Officer do hereby make oath and state as follows:

1. That I was born on the 12th day of February, 1966 in Kojoli, Jada Local Government of present day Adamawa State of Nigeria.
2. I am the current District Head of Yelli, Kojoli (Dan Galadima Ganye) and the grandchild of Ardo Usman the first Village Head of Kojoli, in Adamawa State and the custodian of the custom and traditional history of my community and my people.
3. That by reason of the above paragraphs, I am familiar with the facts deposed to herein.
4. That my grandfather Ardo Usman went to Sokoto from Jada in about 1909 to visit the tombs of Usman Dan Fodio and Caliph Muhammadu Bello in Wumo in the present day Sokoto state.

5. While in Wurno, Late Ardo Usman met and became friends with Atiku Abdulkadir, the paternal grandfather of the 1<sup>st</sup> Petitioner, with whom they later moved from Wurno in present day Sokoto State to Jada in present day Adamawa State, Nigeria.
6. That it was in the said Jada that my grandfather Ardo Usman begot my father Hayatu Usman (District Head of Yelli Kojoli), while the 1<sup>st</sup> Petitioner's grandfather Atiku Abdulkadir begot the father of the 1<sup>st</sup> Petitioner, Garba Abubakar.
7. That I know as a historical fact that the 1<sup>st</sup> Petitioner was born on the 25<sup>th</sup> of November 1946 in Jada by Nigerian parents.
8. That the late mother of the 1<sup>st</sup> Petitioner, Aisha Kande was the daughter of Adamu Dutse who came from Dutse in the present day Jigawa State and settled in Jada.
9. The 3<sup>rd</sup> generation of both Ardo Usman and Atiku Abdulkadir have cohabited in Jada for over 70 years.
10. That the 1<sup>st</sup> Petitioner and I are both of the Fulani extraction.
11. That I have read the averments of the 3<sup>rd</sup> Respondent in its Reply to the Petition and all the averments concerning Germany, British Cameroons, League of Nations and Plebiscite are misleading and untrue in relation to the 1<sup>st</sup> Petitioner not being a Nigerian.
12. That the 1<sup>st</sup> Petitioner was a civil servant in the Nigerian Customs Service for over 20 years and retired as Deputy Director.
13. That the 1<sup>st</sup> Petitioner has been a Nigerian politician for about 30 years and in 1992 he contested in the Presidential Primaries under the then platform of the then Social Democratic Party (**SDP**) alongside the late Chief **M.K.O** Abiola and Ambassador Baba Gana Kingibe.
14. That the 1<sup>st</sup> Petitioner contested for and won the 1999 gubernatorial election in Adamawa State under the platform of the 2<sup>nd</sup> Petitioner.
15. That former President Olusegun Obasanjo GCFR and the 1<sup>st</sup> Petitioner contested for and won the 1999 and 2003 Presidential Elections, as President and Vice President of the Federal Republic of Nigeria respectively under the platform of the Peoples Democratic Party (PDP), the 2<sup>nd</sup> Petitioner.

16. That in 2007 the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested in the Presidential Election under the Action Congress (AC) and the All Nigeria Peoples Party (ANPP).
17. That in 2014 the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested the Presidential Primaries of the All Progressives Congress (APC), the 3<sup>rd</sup> Respondent for the 2015 Presidential Elections.
18. That the 1<sup>st</sup> Petitioner is the recipient of the National Honour of Grand Commander of the Order of the Niger (GCON) which is the second highest honour in Nigeria.
19. The 1<sup>st</sup> Petitioner was the traditional title holder of Turaki Adamawa from 1982 to 2017 when he was elevated to Wazirin Adamawa.
20. I know as a fact that the 1<sup>st</sup> Petitioner is a citizen of Nigeria **by Birth** and is qualified to vote and be voted for and be returned in the election to the office of the President of the Federal Republic of Nigeria, held on Saturday 23<sup>rd</sup> February, 2019.
21. That I make this solemn declaration, conscientiously, believing same to be true and in accordance with the Oaths Act.



**DEPONENT**

SWORN TO at the Registry of the  
Court of Appeal

This.....day of April, 2019

Before Me

Commissioner for Oaths.

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN:**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND:**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF AL PRESIDING OFFICER (PO)  
FOR POLLING UNIT WALIRI CODE 003, SHEHUN - BAMA WARD  
OF BORNOSTATE**

I, AL, Adult, Nigerian citizen, of Bomo State Nigeria do hereby make oath and state as follows:

1. I hold the National Certificate in Education from UIECESST Barna Bomo State.
2. I was employed as an ad hoc staff and trained for three days by the 1<sup>st</sup> Respondent at the Government College Maiduguri, Bomo State to serve as a Presiding Officer (PO) at Waliri Polling Unit with Code 003, of Shehun Barna Ward, Bomo State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically instructed that the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results is mandatory and that any election conducted without the use of the Smart Card Reader would be invalid.
5. I took part in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I ensure the use of the Smart Card Reader

for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place at the same time on the 23<sup>rd</sup> February, 2019.
7. At the end of voting, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which my Assistant Presiding Officer (AP0-1) transmitted the result electronically in my presence to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. The 1<sup>st</sup> Respondent paid me my allowances as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

A.L.

**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This      day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

**1. ATIKU ABUBAKAR  
2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

**1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)  
2. MUHAMMADU BUHARI  
3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF BU PRESIDING OFFICER (PO)  
FOR POLLING UNIT DAZA PRIMARY SCHOOL CODE 001, DAZA  
MARTE WARD OF BORNOSTATE**

I, **BU**, Adult, Nigerian citizen, of Borno State, Nigeria do hereby make oath and state as follows:

1. I am a graduate of Geography from the University of Maiduguri
2. I was recruited and trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at the Kirikasamma Primary School Maiduguri, Maiduguri State to serve as a Presiding Officer (**PO**) at Daza primary school Polling Unit with Code 001, of Daza- Marte Ward, Borno State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training was in respect of the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (**SCR**) among several others.
4. During the training aforesaid, we were specifically told that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.

5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.
6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place simultaneously on the 23<sup>rd</sup> February, 2019.
7. When voting ended, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which my Assistant Presiding Officer (AP0-1) transmitted the result electronically in my presence to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (**SCR**) and the code provided by the 1<sup>st</sup> Respondent.
8. The 1<sup>st</sup> Respondent paid me for my services as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

B. U

**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This      day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**



**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF MBB PRESIDING OFFICER  
(PO) FOR POLLING UNIT GARJAN CODE 002, GUMSURI-MISHA  
KURBUTU DAMBOA WARD OF BORNOSTATE**

I, **MBB**, Adult, Nigerian citizen, of Bomo State, Nigeria do hereby make oath and state as follows:

1. I am a graduate of marketing from Ramat Polytechnic, Maiduguri
2. Upon my engagement as an ad-hoc staff of the 1<sup>st</sup> Respondent, I was with other ad-hoc staff trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at the Government Secondary School, Damboa Bomo State to serve as a Presiding Officer (PO) at Garjan Polling Unit with Code 002, of Gumsuri-Misha Kurbutu Damboa Ward, Bomo State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training exposed me to the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. Officials of the 1<sup>st</sup> Respondent who trained us, specifically directed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.
5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where

I served as the Presiding Officer (PO) and I ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place simultaneously on the 23<sup>rd</sup> February, 2019.
7. When the voting ended, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which my Assistant Presiding Officer (APO-1) transmitted the result electronically in my presence to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. My allowances were paid by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

M.B.B.

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court Registry)

This.....day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF MB PRESIDING OFFICER (PO)  
FOR POLLING UNIT UMARA KOLLOMA CODE 018, MAFONI -MCC  
WARD OF BORNO STATE**

I, **MB**, Adult, Nigerian citizen, of Bomo State, Nigeria do hereby make oath and state as follows:

1. I hold a National Diploma Certificate in Business Administration from Ramat Polytechnic Maiduguri.
2. I was engaged and trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at the Kiri kasamma Primary School Bomo State to serve as a Assistant Presiding Officer (APO 1) at Umara Kolloma Unit with Code 018, of Mafoni -MCC Ward, Bomo State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically instructed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.
5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I ensure the use of the Smart Card

Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place simultaneously on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which my Assistant Presiding Officer (APO- I) transmitted the result electronically in my presence to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was paid for my services by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.



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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court Registry)

This.....day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

**1. ATIKU ABUBAKAR  
2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

**1. INDEPENDENT NATIONAL ELECTORAL COMMISSION(INEC)  
2. MUHAMMADU BUHARI  
3. ALL PROGRESSIVES CONGRESS  
(APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF UG PRESIDING OFFICER (PO)  
FOR POLLING UNIT KARERAN-MAGUMERI CODE 001, KARERAN  
MAGUMERI WARD OF BORNO STATE**

I, UG, Adult, Nigerian citizen, of Bomo State, Nigeria do hereby make oath and state as follows:

1. I hold a National Diploma Certificate in Marketing from Ramat Polytechnic Maiduguri
2. I was hired and trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at the Government College Maiduguri Bomo State to serve as a Assistant Presiding Officer (APOI) at Galbaru Unit with Code 001, of Kareran-Magumeri Ward, Bomo State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically mandated to ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.
5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where

I served as the Presiding Officer (PO) and I ensured the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place concurrently on the 23<sup>rd</sup> February, 2019.
7. At the end of voting, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the I<sup>st</sup> Respondent after which my Assistant Presiding Officer (APO- I) transmitted the result electronically in my presence to the I<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the I<sup>st</sup> Respondent.
8. I was paid for my services by the I<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

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U.G.  
**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This     day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF IM PRESIDING OFFICER (PO)  
FOR POLLING UNIT MUSTAPHA ALI BAMA CODE 036, MAFONI MCC  
WARD OF BORNOSTATE**

I, IM, Adult, Nigerian citizen, of Bomo State, Nigeria do hereby make oath and state as follows:

1. I hold a National Diploma Certificate in Islamic Studies from MOGOCOLS Maiduguri
2. The 1<sup>st</sup> Respondent recruited me and trained me for three days as its ad hoc staff at the Government College Maiduguri Bomo State to serve as a Assistant Presiding Officer (APO1) at Mustapha Ali Barna Unit with Code 036, of Mafoni -MCC Ward, Bomo State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the training, officials of the 1<sup>st</sup> Respondent specifically instructed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.
5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I ensure the use of the Smart Card

Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place at the same time on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which my Assistant Presiding Officer (APO-1) transmitted the result electronically in my presence to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was paid having discharged my duties by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This     day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**



**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL  
ELECTORAL COMMISSION  
(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF AB PRESIDING OFFICER (PO)  
FOR POLLING UNIT BINKALION CODE 003, MAISANDARI  
DAMATURU WARD OF YOBE STATE**

I, AB, Adult, Nigerian citizen of Yohe State, Nigeria do hereby make oath and state as follows:

1. I hold a National Diploma Certificate in Engineering from Ramat Polytechnic Maiduguri
2. I was recruited and trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at Federal Polytechnic Damaturu Yohe State to serve as a Presiding Officer (PO) at Binkalion Polling Unit with Code 003, of Maisandari-Damaturu Ward, Yohe State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training by the 1<sup>st</sup> Respondent covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically instructed that we must use the Smart Card Reader for accreditation, verification, authentication,

collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.

5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I used the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.
6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) election took place simultaneously on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which my Assistant Presiding Officer (APO-1) transmitted the result electronically in my presence to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was duly paid for my services by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

A.B

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court Registry)

This ..... day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATnru ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL  
ELECTORAL COMMISSION (INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC) ..... RESPONDENTS .**

**WITNESS STATEMENT ON OATH OF AW ASSISTANT  
PRESIDING OFFICER (APO-1) FOR POLLING UNIT KOFAN  
SARKI CODE 007, YABIR-GUJBA WARD OF YOBE STATE**

I, AW, Adult, Nigerian citizen, of Yobe State, Nigeria do hereby make oath and state as follows:

1. I hold a National Diploma Certificate in Business Administration from Ramat Polytechnic Maiduguri
2. I was engaged and trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at the Federal Polytechnic Damaturu Yobe State to serve as Assistant Presiding Officer (APO) at Kofan Sarki Polling Unit with Code 007, of Yabir- Gujba Ward, Yobe State on the 23<sup>rd</sup> February, 2019  
Presidential and National Assembly (Senate and House of Representatives) election.
3. The training included the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically informed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.

5. I took part in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.
6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections concurrently took place on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which as the Assistant Presiding Officer (APO-1) I transmitted the result electronically to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was paid for my services by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This     day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF ABM ASSISTANT  
PRESIDING OFFICER (APO-1) FOR POLLING UNIT SUGUN CODE  
002, SUGUN TALGALI-BADAIWARD OF YOBE STATE**

I, **ABM**, Adult, Nigerian citizen, of Yobe State, Nigeria do hereby make oath and state as follows:

1. I am a holder of National Diploma Certificate in Business Management from Federal Polytechnic Damaturu.
2. I was engaged by the 1<sup>st</sup> respondent and trained for three days as an ad hoc staff at the Federal Polytechnic Damaturu Yobe State to serve as a Presiding Officer (APO) at Sugun Polling Unit with Code 002, of Sugun Talgali- Badai Ward, Yobe State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training which I received covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically directed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.
5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I

served as the Presiding Officer (PO) and I ensured the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place at the same time on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which as the Assistant Presiding Officer (APO-1) I transmitted the result electronically to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was paid for my services by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and correct and in accordance with the Oaths Act.

AB.M.

**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court Registry)

This.....day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL  
ELECTORAL COMMISSION (INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF MS ASSISTANT PRESIDING  
OFFICER (APO-1) FOR POLLING UNIT CENTRAL PRIMARY  
SCHOOL BABANGIDA CODE 001, BABBANGIDA-TARMUWA WARD  
OF YOBE STATE**

I, **MS**, Adult, Nigerian citizen, of Yohe State, Nigeria do hereby make oath and state as follows:

1. I am a National Diploma Certificate holder in Accountancy from Ramat Polytechnic Maiduguri
2. I was employed as an ad-hoc staff and trained for three days by the 1<sup>st</sup> Respondent at the Igiwagi Primary School Yohe State to serve as Assistant Presiding Officer (APO 1) at Central Primary School Babangida Unit with Code 001, of Babbangida-Tarmuwa Yohe State State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training was comprehensive and covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. Owing to the training, we were specifically instructed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication,

collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.

5. I took part in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and as instructed, I ensured the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.
6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place at the same time on the 23<sup>rd</sup> February, 2019.
7. At the conclusion of voting, the information on the Smart Card Reader, the results inclusive were entered in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which as the Assistant Presiding Officer (APO-1) I transmitted the result electronically to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was paid by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

M.S.

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This      day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**



**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL  
ELECTORAL COMMISSION(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF YU ASSISTANT PRESIDING  
OFFICER (AP0-1) FOR POLLING UNIT KOFAR ALKALI CODE  
001, ANGWANBOLAWA-POTISKUMWARD OF YOBE STATE**

I, YU, Adult, Nigerian citizen of Yohe State, Nigeria do hereby make oath and state as follows

1. I hold a National Diploma Certificate in Marketing from Ramat Polytechnic Maiduguri
2. I was recruited and trained by the 1<sup>st</sup> Respondent for three days as an ad hoc staff at the Federal Polytechnic Damaturu, Yohe State to serve as a Assistant Presiding Officer (APOI) at Kofar Alkali Unit with Code 017, of Angwan Bolawa - Potiskum Ward, Yohe State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training was with respect to the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent training, we were specifically instructed that we must ensure the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be rejected.

5. I participated in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23 February, 2019 where I

served as the Presiding Officer (PO) and I ensured the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.

6. There was only one accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated by me in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which as the Assistant Presiding Officer (APO-1) I transmitted the result electronically to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I received payment for my services by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

Y.U.

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court

Registry) This      day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL  
HOLDEN AT ABUJA.**

**IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE  
PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA  
HELD ON THE 23RD FEBRUARY, 2019**

**PETITION NO: CA/PEPC/002/2019**

**BETWEEN**

- 1. ATIKU ABUBAKAR**
- 2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND**

- 1. INDEPENDENT NATIONAL  
ELECTORAL COMMISSION  
(INEC)**
- 2. MUHAMMADU BUHARI**
- 3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF MM ASSISTANT PRESIDING  
OFFICER (APO-1) FOR POLLING UNIT CENTRAL PRIMARY  
SCHOOL NANGERE CODE 001, DAWASA-NENGERE WARD OF YOBE  
STATE**

I, **MM**, Adult, Nigerian citizen, of Yohe State, Nigeria do hereby make oath and state as follows:

1. I am a graduate in Accountancy (National Diploma) from Federal Polytechnic Damaturu Yohe State
2. I was amongst those engaged and trained for three days as an ad hoc staff by the 1<sup>st</sup> Respondent at the Federal Polytechnic Damaturu Yobe State to serve as a Assistant Presiding Officer (APO1) at Central Primary School Nangere Unit with Code 011, of Dawasa-Nengere Yohe State on the 23<sup>rd</sup> February, 2019 Presidential and National Assembly (Senate and House of Representatives) elections.
3. The training was comprehensive and fully covered the duties of all 1<sup>st</sup> Respondent's ad-hoc staff at the polling units and the procedure for the conduct of election which includes accreditation, verification, authentication, collation and transmission of results as well as the use of Smart Card Reader (SCR) amongst others.
4. At the 1<sup>st</sup> Respondent's training which I participated in we were specifically instructed that we must use the Smart Card Reader for accreditation,

verification, authentication, collation and transmission of results and that any election conducted without the use of the Smart Card Reader would be invalid.

5. I fully took part in the conduct of the Presidential and National Assembly (Senate and House of Representatives) elections of 23<sup>rd</sup> February, 2019 where I served as the Presiding Officer (PO) and I ensured the use of the Smart Card Reader for accreditation, verification, authentication, collation and transmission of votes in my Polling Unit.
6. Accreditation and voting for both the Presidential and National Assembly (Senate and House of Representatives) elections took place at the same time on the 23<sup>rd</sup> February, 2019.
7. At the close of voting, the information on the Smart Card Reader, the results inclusive were collated in the presence of the Party Agents and other ad-hoc staff of the 1<sup>st</sup> Respondent after which as the Assistant Presiding Officer (APO-I) I transmitted the result electronically to the 1<sup>st</sup> Respondent's server using the Smart Card Reader (SCR) and the code provided by the 1<sup>st</sup> Respondent.
8. I was duly paid for my services by the 1<sup>st</sup> Respondent as an ad hoc staff at the elections.
9. That I make this statement on Oath in good faith, solemnly and conscientiously believing same to be true and in accordance with the Oaths Act.

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court Registry)

This.....day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**

**IN THE COURT OF APPEAL**  
**HOLDEN AT ABUJA**

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**2. PEOPLES DEMOCRATIC PARTY (PDP).....PETITIONERS**

**AND:**

**1. INDEPENDENT NATIONAL ELECTORAL  
COMMISSION (INEC)**

**2. MUHAMMADU BUHARI**

**3. ALL PROGRESSIVES CONGRESS (APC).....RESPONDENTS**

**WITNESS STATEMENT ON OATH OF MGSS**

I, **MGSS**, Nigerian Citizen, Christian and retired civil servant of No. 58A Lome Crescent Zone 7 Abuja, do hereby make oath and state as follows:

1. That I was born on the 21<sup>st</sup> day of September 1946 at Njoboliyo in present day Adamawa State.
2. That I am a classmate and childhood friend of the 1<sup>st</sup> Petitioner, ATIKU ABUBAKAR whom I have known for 58 years.
3. That in 1961 the 1<sup>st</sup> Petitioner and myself attended Provincial Secondary School in Yola Adamawa Province, in the present day Adamawa State.
4. That by reason of the above paragraphs, I am familiar with the facts deposed to herein.

5. That I first met the 1<sup>st</sup> Petitioners mother, Aisha Kande in 1965 when we were students at Provincial Secondary School in Yola Adamawa Province.
6. That I know as a fact that the 1<sup>st</sup> Petitioner was born on 25<sup>th</sup> November, 1946 in Jada, present day Adamawa State by Nigerian Parents and he is therefore a citizen of Nigeria by Birth.
7. That the 1<sup>st</sup> Petitioner was a civil servant in the Nigerian Customs Service for over 20 years and retired as Deputy Director.
8. That the 1<sup>st</sup> Petitioner has been a Nigerian politician for about 30 years and in 1992 he contested in the Presidential Primaries under the then platform of the then Social Democratic Party (SDP) alongside the late Chief M.K.O Abiola and Ambassador Baba Gana Kingibe.
9. That the 1<sup>st</sup> Petitioner contested for and won the 1999 gubernatorial election in Adamawa State under the platform of the 2<sup>nd</sup> Petitioner.
10. That former President Olusegun Obasanjo GCFR and the 1<sup>st</sup> Petitioner contested for and won the 1999 and 2003 Presidential Elections, as President and Vice President of the Federal Republic of Nigeria respectively under the platform of the Peoples' Democratic Party (PDP), the 2<sup>nd</sup> Petitioner.
11. That in 2007 the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested in the Presidential Election under the Action Congress (AC) and the All Nigeria Peoples Party (ANPP).
12. That in 2014 the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested the Presidential Primaries of the All Progressives Congress (APC), the 3<sup>rd</sup> Respondent for the 2015 Presidential Elections.
13. That the 1<sup>st</sup> Petitioner is the recipient of the National Honour of Grand Commander of the Order of the Niger (GCON) which is the second highest honour in Nigeria.
14. The 1<sup>st</sup> Petitioner was the traditional title holder of Turaki Adamawa from 1982 to 2017 when he was elevated to Wazirin Adamawa.
- IS. That former President Olusegun Obasanjo and the 1<sup>st</sup> Petitioner contested for and won the 1999 and 2003 Presidential Elections, respectively as President and Vice President of the Federal Republic of Nigeria under the platform of Peoples Democratic Party (PDP), the 2<sup>nd</sup> Petitioner.



16. That in 2014 the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Respondent contested the Presidential Primaries of the All Progressive Congress (APC), the 3<sup>rd</sup> Respondent for the 2015 Presidential Elections.

17. That I make this solemn declaration, conscientiously, believing same to be true and in accordance with the Oaths Act.

MGSS

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**DEPONENT**

Sworn to at the Court of Appeal  
(Presidential Election Petition Court Registry)

This.....day of April, 2019.

**BEFORE ME**

**SECRETARY/ COMMISSIONER FOR OATHS**